PATENT
Customer No. 22,852
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Yasuhiro TAKADA et al.	)	Group Art Unit: 2623
	)	
Application No.: 09/707,720	)	Examiner: Lonsberry, Hunter B.
	)	
Filed: November 7, 2000	)	
	)	
For: TRANSMITTING METHOD, TRANSMITTING SYSTEM AND TRANSMISSION CONTROL DEVICE	)	Confirmation No.: 9803

Attention: Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

In support of the Notice of Appeal filed November 9, 2006, and further to 37 C.F.R. 41.37(a)(1), Appellants present this brief and encloses herewith a check for the fee of $500.00 required under 37 C.F.R. 41.20(b)(2).

This Appeal responds to the final rejection of claims 10 and 12 in the Office Action mailed June 13, 2006, the Advisory Action mailed September 8, 2006, and the Notice of Panel Decision from Pre-Appeal Brief Review mailed December 21, 2006.

If any additional fees are required or if the enclosed payment is insufficient, Appellants request that the required fees be charged to Deposit Account No. 06-0916.

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I. REAL PARTY IN INTEREST

SONY corporation is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

There are currently no other appeals or interferences, of which Appellants, Appellants' legal representative, or assignee are aware, that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 10 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,665,020 to Stahl et al. ("*Stahl*") in view of U.S. Patent No. 6,918,123 to Shteyn ("*Shteyn*"). Claims 1-9 and 11 have been canceled.

Appellants appeal the rejection of claims 10 and 12. The attached Appendix contains a clean copy of these claims.

IV. STATUS OF AMENDMENTS

No amendments have been filed subsequent to the final rejection of claims 10 and 12 in the Office Action mailed June 13, 2006.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claims 10 and 12 recite a transmitting system for transmitting data from a transmitting apparatus to a receiving apparatus connected to a predetermined network.

Independent claim 10 is directed to a transmitting system for transmitting data from a transmitting apparatus to a receiving apparatus connected to a predetermined network. *See*, for example, specification at page 4, lines 14-17. The system includes a first controlling apparatus connected to a predetermined network. *See*, for example, specification at page 19, lines 6-15 and Fig. 10. The first controlling apparatus includes a first control section for preparing and transmitting a request to another controlling apparatus to execute a connection management function. *See*, for example, specification at page 19, line 16 - page 20, line 12 and Fig. 10. The request is prepared and transmitted when the first controlling apparatus does not mount a control module of said connection management function and has been notified by said another controlling apparatus that said another controlling apparatus mounts a control module of said connection management function. *See*, for example, specification at page 19, line 16 - page 20, line 12 and Fig. 10. The request includes a request for executing the connection management to establish a connection between the transmitting apparatus and the receiving apparatus on the predetermined network. *See*, for example, specification at page 19, line 25 - page 20, line 12 and Fig. 10. The request also includes a request for executing the connection management to execute data transmission from the transmitting apparatus to the receiving apparatus through the connection by using a control module of

a corresponding connection management function mounted in said another controlling apparatus. *See*, for example, specification at page 20, line 17 - page 21, line 8 and Fig. 10 and 11. The system also includes a second controlling apparatus configured to receive said request, said second controlling apparatus including a second control section for executing the connection management function. *See*, for example, specification at page 20, line 17 - page 21, line 8 and Fig. 10 and 11. The request includes a self-describing data structure which provides device control data. *See*, for example, specification at page 11, line 14 - page 12, line 12. The device control data includes an override DCM of the transmitting device and the receiving device. *See*, for example, specification at page 20, line 17 - page 21, line 8 and Fig. 10 and 11.

Independent claim 12 is also directed to a transmitting system for transmitting data. *See*, for example, specification at page 4, lines 14-17. The system includes a first device including a first control section for preparing and transmitting a request to another device to mount a connection management function from a plurality of connection management functions. *See*, for example, specification at page 19, line 6 - page 20, line 12 and Fig. 10. The request is prepared and transmitted when the first device does not mount said connection management function and has been notified by said another device that said another device mounts said connection management function. *See*, for example, specification at page 19, line 16 - page 20, line 12 and Fig. 10. The request includes a request for executing the connection management for data transmission between the transmitting device and the receiving device. *See*, for example, specification at page 19, line 25 - page 20, line 12 and Fig. 10. The system also includes a second device configured to receive said request, said second device including a second control

section for executing the connection management function. *See*, for example, specification at page 20, line 17 - page 21, line 8 and Fig. 10 and 11. The request includes a self-describing data structure which provides device control data. *See*, for example, specification at page 11, line 14 - page 12, line 12. The device control data includes an override DCM of the transmitting device and the receiving device. *See*, for example, specification at page 20, line 17 - page 21, line 8 and Fig. 10 and 11.

VI. GROUNDS OF REJECTION

A. Claims 10 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,665,020 to Stahl et al. ("*Stahl*") in view of U.S. Patent No. 6,918,123 to Shteyn ("*Shteyn*").

VII. ARGUMENT

A. The rejection of claims 10 and 12 under 35 U.S.C. § 103(a) as being unpatentable over *Stahl* in view of *Shteyn* is improper

The rejection of claims 10 and 12 should be reversed. The prior art cited by the Examiner, *Stahl* in view of *Shteyn*, does not teach or suggest each and every element of claims 10 and 12. A *prima facie* case of obviousness has, therefore, not been established.

Claim 10 recites a transmitting system including, for example:

> a first controlling apparatus connected to a predetermined network, said first controlling apparatus including a first control section for preparing and transmitting a request to another controlling apparatus to execute a connection management function when the first controlling apparatus does not mount a control module of said connection management function and has been notified by said another controlling apparatus that said another controlling apparatus mounts a control module of said connection management function . . .

(emphasis added). The Examiner states that the DTV of *Stahl* constitutes the claimed "first controlling apparatus" and the DVCR of *Stahl* constitutes the claimed "another controlling apparatus" (Final Office Action at page 4). The Examiner also states, "isochronous data flows can be controlled by any device connected to the IEEE 1394 bus (column 6, lines 8-32), thus controlling the flow and reception of isochronous data, by another device other than the first device . . . does suggest a first controlling apparatus that does not mount a control module of said connection management function and has been notified by said another controlling apparatus that said another controlling apparatus mounts a control module of said connection management function" (Final Office Action at page 3). This is not correct.

Even assuming that the "IRM 26 allocates and deallocates the channels and bandwidth in order to establish the connection" (Final Office Action at page 4), *Stahl* does not teach or suggest a first controlling apparatus that includes "a first control section for preparing and transmitting a request to another controlling apparatus to execute a connection management function when the first controlling apparatus does not mount a control module of said connection management function," as recited in claim 10.

In *Stahl*, a "user may 'focus' the remote control (RC) unit on the DVCR by pressing the VCR button. Now, for subsequent RC button presses, the DTV will receive the RC key presses since the DTV understands the format of the RC modulation and data format" (col. 8, lines 6-10). Because the DTV "knows" that the RC key press is intended for DVCR, not the DTV, the DTV will translate the RC key press and transport it to the DVCR, which will perform the desired action (col. 8, lines 10-15).

The DTV receives RC key presses, translates the key presses, and transports them to the DVCR. However, the DTV does not transmit "a request" to the DVCR when the DTV "does not mount a control module of said connection management function." RC key presses are received by the DTV and transported to the DVCR. Nothing in *Stahl* teaches or suggests that the DTV does not mount a control module. On the contrary, the DTV receives RC key presses, translates the key presses, and transports them.

Even though the DVCR may perform the desired function based on the key press, the DTV still mounts a control module because the DTV controls the signal. That is, the DTV receives the signal transmitted by the key press and transports that signal to the DVCR. The DTV must receive and transport the signal to allow the DVCR to operate. The DTV cannot receive and transport information unless a control module is mounted.

Without a control module, the DTV would not be able to receive key presses, translate them, and transport them to the DVCR. Therefore, *Stahl* does not teach or suggest the claimed combination of elements including, for example, a "first control section for preparing and transmitting a request to another controlling apparatus to execute a connection management function when the first controlling apparatus does not mount a control module of said connection management function," as recited in claim 10.

Furthermore, there is no teaching in *Stahl* that the DVCR notifies the DTV that the DVCR "mounts a control module of said connection management function." The DVCR "will receive the universal command and perhaps translate it into the Sony format and then take action" (col. 8, lines 20-22). The DVCR may receive and translate the universal command, but there is no teaching that it sends a communication back to the DTV that notifies the DTV that the DVCR "mounts a control module of said connection management function." Therefore, *Stahl* cannot teach or suggest the claimed combination of elements including, for example, notifying "by said another controlling apparatus that said another controlling apparatus mounts a control module of said connection management function," as further recited in claim 10.

The Examiner correctly states that *Stahl* "fails to disclose a request which utilizes a self describing data structure which provides control data, the device control data including a override DCM . . . of the transmitting device and the receiving device" (Final Office Action at page 5). However, the Examiner relies on *Shteyn* to teach these claim elements.

Shteyn discloses, "[t]he HAVi approach is to utilize so-called SDD data: self describing data" (col. 9, lines 22-23). This data contains information about the device

which can be accessed by other devices, and contains information to allow instantiation of an embedded device control module (DCM). The DCM allows a device to register its capabilities with a registry, which "enables any object on the network to locate another object on the network" (col. 9, lines 35-36).

Even assuming that *Shteyn* discloses a self describing data structure and an override DCM, which Appellants do not concede, *Shteyn* does not cure the deficiencies of *Stahl*. *Shteyn* does not teach or suggest the claimed combination of elements including, for example, "a first controlling apparatus connected to a predetermined network, said first controlling apparatus including a first control section for preparing and transmitting a request to another controlling apparatus to execute a connection management function when the first controlling apparatus does not mount a control module of said connection management function and has been notified by said another controlling apparatus that said another controlling apparatus mounts a control module of said connection management function," as recited in claim 10.

Accordingly, *Stahl* and *Shteyn* fail to establish a *prima facie* case of obviousness with respect to claim 10. Independent claim 12, though of different scope from claim 10, recites limitations similar to those set forth above with respect to claim 10. Claim 12 is allowable for at least the reasons presented above. Therefore, Appellants respectfully request that the Board reverse the rejection of these claims under 35 U.S.C. § 103(a).

VIII. CONCLUSION

For the reasons given above, pending claims 10 and 12 are allowable and reversal of the Examiner's rejections is respectfully requested.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Appeal Brief, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 22, 2007

By: /David W. Hill/
David W. Hill
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IX. Claims Appendix to Appeal Brief Under Rule 41.37(c)(1)(viii)

1.-9. (Canceled)

10. (Previously Presented) A transmitting system for transmitting data from a transmitting apparatus to a receiving apparatus connected to a predetermined network, the system comprising:

a first controlling apparatus connected to a predetermined network, said first controlling apparatus including a first control section for preparing and transmitting a request to another controlling apparatus to execute a connection management function when the first controlling apparatus does not mount a control module of said connection management function and has been notified by said another controlling apparatus that said another controlling apparatus mounts a control module of said connection management function, said request including a request for executing the connection management to establish a connection between the transmitting apparatus and the receiving apparatus on the predetermined network and to execute data transmission from the transmitting apparatus to the receiving apparatus through the connection by using a control module of a corresponding connection management function mounted in said another controlling apparatus; and

a second controlling apparatus configured to receive said request, said second controlling apparatus including a second control section for executing the connection management function,

wherein the request includes a self-describing data structure, which provides a device control data, and

wherein the device control data includes an override DCM of the transmitting device and the receiving device.

11. (Canceled)

12. (Previously Presented) A transmitting system for transmitting data from a transmitting apparatus to a receiving apparatus connected to a predetermined network, the system comprising:

a first device including a first control section for preparing and transmitting a request to another device to mount a connection management function from a plurality of connection management functions when the first device does not mount said connection management function and has been notified by said another device that said another device mounts said connection management function, said request including a request for executing the connection management for data transmission between the transmitting device and the receiving device; and

a second device configured to receive said request, said second device including a second control section for executing the connection management function,

wherein the request includes a self-describing data structure, which provides a device control data, and

wherein the device control data includes an override DCM of the transmitting device and the receiving device.

X. Evidence Appendix to Appeal Brief Under Rule 41.37(c)(1)(ix)

None

XI. Related Proceedings Appendix to Appeal Brief Under Rule 41.37(c)(1)(x)

None